

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

1-47-74-SPL(1)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of Home Affairs, Notification No. F. 1/29/68-GP dated 29th June, 1968 the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government Directorate of Agriculture Class I (Gazetted) posts Recruitment Rules, 1974 issued under Notification of even number dated 14th January, 1974 and published in Official Gazette Series I, No. 45 dated 7th February, 1974 namely:—

1. **Short title and commencement.**—(i) These rules may be called the Goa Government, Directorate of Agriculture Class I (Gazetted) posts Recruitment (First Amendment) Rules, 1975.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification, against the posts of Director of Agriculture, Incharge Research Station Ela and Project Officer appearing at Serial No. 1 for the existing entry in column 7, substitute:

“Essential:—

- (i) M.Sc. Degree in Agriculture of a recognised University or equivalent.
 - (ii) 7 years experience in Agricultural Research/Extension.
- (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).

Desirable:—

Doctorate Degree in any of the Agricultural Subjects”.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).
Panaji, 18th August, 1975.

Home Department (Transport and Accommodation)

Notification

HD(TA-Tpt)/11-11/75

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby pre-published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (1) of section 70 read with clauses (k) and (o) of sub-section (2) of section 68 of the Motor Vehicles Act, 1939 (4 of 1939), as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965 namely:—

1. **Short title and commencement.**—(1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Thirtieth Amendment) Rules, 1975.

(2) They shall come into force at once.

2. **Amendment of rule 4.48.**—In rule 4.48 of the Goa, Daman and Diu Motor Vehicles Rules, 1965 (hereinafter called as the “Principal Rules”) in sub-rule (1), after the words “or a contract carriage”, the words “or a rider of a contract carriage” shall be inserted.

3. **Insertion of chapter V-B.** — After chapter V-A of the Principal Rules, the following shall be inserted, namely: —

CHAPTER V-B

Special rules applicable to motor cycles permitted to be used as contract carriages.

5-B. 1. *Horse power.* — No motor cycle shall be permitted to be used on hire unless its cubic capacity is not less than 175 c. c. and does not exceed 250 c. cs.

5-B. 2. *Colour.* — (i) Every motor cycle shall be completely painted in yellow colour.

(ii) No motor cycle other than a motor cycle covered with a contract carriage permit shall be painted with yellow colour.

5-B. 3. *Lights.* — Every motor cycle shall be fitted with one head light on the body in the front. In addition to the front light, the motor cycle shall be fitted with a rear lamp showing to the rear a red light visible from a distance of 150 metres and illuminating with white light the registration marks exhibited on the rear of the motor cycle so as to render it legible from a distance of 15 metres. The motor cycle shall also be fitted with a rear stop light to be operated by foot brake.

5-B. 4. *Horn.* — Every motor cycle shall be fitted with an electric horn.

5-B. 5. *Speedo meter.* —

(1) Every motor cycle shall be fitted with an instrument (whereinafter referred to as a "Speedo meter") so constructed and in such a position as at all times readily to indicate to the rider the speed at which the motor cycle is plying.

(2) Every speedo meter shall also record the total kilometres covered by such motor cycle on the basis of which fare can be paid.

5-B. 6. *Rear View Mirror.* — Every motor cycle shall be fitted with a rear view mirror mounted at a suitable place to give a clear unobstructed view of the rear to the motor cycle rider.

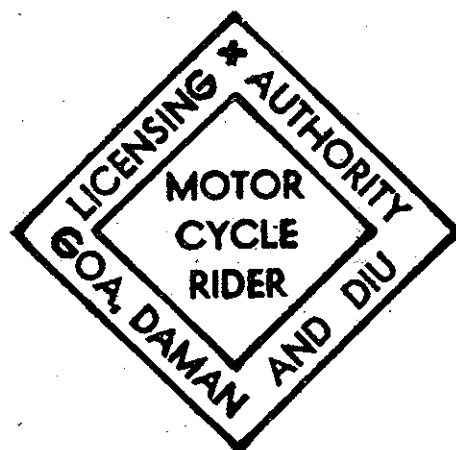
5-B. 7. *Crash Grid.* — Every motor cycle shall be fitted with crash grids at the front and rear of the frame in such a way that it projects on either side at right angles to the frame and will be at a distance of not more than five centimetres from the outward end of the foot rest.

5-B. 8. *Passenger's Seat.* — Every motor cycle shall be fitted with a pillion seat at the back of size not less than 25 cms x 30 cms so as to provide a comfortable seat to the passenger.

5-B. 9. *Carriage of Luggage.* — No luggage shall be carried on a motor cycle at any time.

4. **Amendment of the second schedule.** — In the second schedule appended to the Principal Rules, after the figure shown against "badge for Bus +

Taxi Driver", a new figure for "Rider's Badge" shall be inserted, namely: —



By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 20th August, 1975.

Law and Judiciary Department

Notification

LD/3157/75

The following Central Bill which was recently passed by the Parliament and assented to by the President of India on 1-8-75 and published in the Gazette of India Part II, Section 1 dated 1-8-75 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 22nd August, 1975.

The Constitution (Thirty-Eighth Amendment) Act, 1975

AN

ACT

further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. **Short title.** — This Act may be called the Constitution (Thirty-eighth Amendment) Act, 1975.

2. **Amendment of article 123.** — In article 123 of the Constitution, after clause (3), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

"(4) Notwithstanding anything in this Constitution, the satisfaction of the President mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground."

3. Amendment of article 213.—In article 213 of the Constitution, after clause (3), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

“(4) Notwithstanding anything in this Constitution, the satisfaction of the Governor mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground.”.

4. Amendment of article 239B.—In article 239B of the Constitution, after clause (3), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

“(4) Notwithstanding anything in this Constitution, the satisfaction of the administrator mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground.”.

5. Amendment of article 352.—In article 352 of the Constitution, after clause (3), the following clauses shall be inserted, and shall be deemed always to have been inserted, namely:—

“(4) The power conferred on the President by this article shall include the power to issue different Proclamations on different grounds, being war or external aggression or internal disturbance or imminent danger of war or external aggression or internal disturbance, whether or not there is a Proclamation already issued by the President under clause (1) and such Proclamation is in operation.

(5) Notwithstanding anything in this Constitution,—

(a) the satisfaction of the President mentioned in clause (1) and clause (3) shall be final and conclusive and shall not be questioned in any court on any ground;

(b) subject to the provisions of clause (2), neither the Supreme Court nor any other court shall have jurisdiction to entertain any question, on any ground, regarding the validity of—

(i) a declaration made by Proclamation by the President to the effect stated in clause (1); or

(ii) the continued operation of such Proclamation.”.

6. Amendment of article 356.—In article 356 of the Constitution, after clause (4), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

“(5) Notwithstanding anything in this Constitution, the satisfaction of the President mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground.”.

7. Amendment of article 359.—In article 359 of the Constitution, after clause (1), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

“(1A) While an order made under clause (1) mentioning any of the rights conferred by Part III is in operation, nothing in that Part conferring those rights shall restrict the power of the State

as defined in the said Part to make any law or to take any executive action which the State would but for the provisions contained in that Part be competent to make or to take, but any law so made shall, to the extent of the incompetency, cease to have effect as soon as the order aforesaid ceases to operate, except as respects things done or omitted to be done before the law so ceases to have effect.”.

8. Amendment of article 360.—In article 360 of the Constitution, after clause (4), the following clause shall be inserted, and shall be deemed always to have been inserted, namely:—

“(5) Notwithstanding anything in this Constitution,—

(a) the satisfaction of the President mentioned in clause (1) shall be final and conclusive and shall not be questioned in any court on any ground;

(b) subject to the provisions of clause (2), neither the Supreme Court nor any other court shall have jurisdiction to entertain any question, on any ground, regarding the validity of—

(i) a declaration made by Proclamation by the President to the effect stated in clause (1); or

(ii) the continued operation of such Proclamation.”.

Notification

LD/3186/75-A

The following Central Bill which was recently passed by the Parliament and assented to by the President of India on 10/8/75 and published in the Gazette of India Part II, Section 1 dated 10/8/75 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 25th August, 1975.

The Constitution (Thirty-Ninth Amendment) Act, 1975

AN

ACT

further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Constitution (Thirty-ninth Amendment) Act, 1975.

2. Substitution of new article for article 71.—For article 71 of the Constitution, the following article shall be substituted, namely:—

“71. **Matters relating to or connected with the election of a President or Vice-President.**—(1) Subject to the provisions of this Constitution, Parliament may by law regulate any matter relating to or connected with the election of a President or

Vice-President, including the grounds on which such election may be questioned:

Provided that the election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him.

(2) All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by such authority or body and in such manner as may be provided for by or under any law referred to in clause (1).

(3) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

(4) If the election of a person as President or Vice-President is declared void under any such law as is referred to in clause (1), acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of such declaration shall not be invalidated by reason of that declaration."

3. Amendment of article 329.—In article 329 of the Constitution, for the words "Notwithstanding anything in this Constitution—", the words, figures and letter "Notwithstanding anything in this Constitution but subject to the provisions of article 329A—" shall be substituted.

4. Insertion of new article 329A.—In Part XV of the Constitution, after article 329, the following article shall be inserted, namely:—

"329A. Special provision as to elections to Parliament in the case of Prime Minister and Speaker.—(1) Subject to the provisions of Chapter II of Part V [except sub-clause (e) of clause (1) of article 102], no election—

(a) to either House of Parliament of a person who holds the office of Prime Minister at the time of such election or is appointed as Prime Minister after such election;

(b) to the House of the People of a person who holds the office of Speaker of that House at the time of such election or who is chosen as the Speaker for that House after such election;

shall be called in question, except before such authority [not being any such authority as is referred to in clause (b) of article 329] or body and in such manner as may be provided for by or under any law made by Parliament and any such law may provide for all other matters relating to doubts and disputes in relation to such election including the grounds on which such election may be questioned.

(2) The validity of any such law as is referred to in clause (1) and the decision of any authority or body under such law shall not be called in question in any court.

(3) Where any person is appointed as Prime Minister or, as the case may be, chosen to the

office of the Speaker of the House of the People, while an election petition referred to in clause (b) of article 329 in respect of his election to either House of Parliament or, as the case may be, to the House of the People is pending, such election petition shall abate upon such person being appointed as Prime Minister or, as the case may be, being chosen to the office of the Speaker of the House of the People, but such election may be called in question under any such law as is referred to in clause (1).

(4) No law made by Parliament before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, in so far as it relates to election petitions and matters connected therewith, shall apply or shall be deemed ever to have applied to or in relation to the election of any such person as is referred to in clause (1) to either House of Parliament and such election shall not be deemed to be void or ever to have become void on any ground on which such election could be declared to be void or has, before such commencement, been declared to be void under any such law and notwithstanding any order made by any court, before such commencement, declaring such election to be void, such election shall continue to be valid in all respects and any such order and any finding on which such order is based shall be and shall be deemed always to have been void and of no effect.

(5) Any appeal or cross appeal against any such order of any court as is referred to in clause (4) pending immediately before the commencement of the Constitution (Thirty-ninth Amendment) Act, 1975, before the Supreme Court shall be disposed of in conformity with the provisions of clause (4).

(6) The provisions of this article shall have effect notwithstanding anything contained in this Constitution."

5. Amendment of the Ninth Schedule.—In the Ninth Schedule to the Constitution, after entry 86 and before the *Explanation*, the following entries shall be inserted, namely:—

"87. The Representation of the People Act, 1951 (Central Act 43 of 1951), the Representation of the People (Amendment) Act, 1974 (Central Act 58 of 1974) and the Election Laws (Amendment) Act, 1975 (Central Act 40 of 1975).

88. The Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951).

89. The Requisitioning and Acquisition of Immovable Property Act, 1952 (Central Act 30 of 1952).

90. The Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957).

91. The Monopolies and Restrictive Trade Practices Act, 1969 (Central Act 54 of 1969).

92. The Maintenance of Internal Security Act, 1971 (Central Act 26 of 1971).

93. The Coking Coal Mines (Emergency Provisions) Act, 1971 (Central Act 64 of 1971).

94. The Coking Coal Mines (Nationalisation) Act, 1972 (Central Act 36 of 1972).

95. The General Insurance Business (Nationalisation) Act, 1972 (Central Act 57 of 1972).

96. The Indian Copper Corporation (Acquisition of Undertaking) Act, 1972 (Central Act 58 of 1972).

97. The Sick Textile Undertakings (Taking Over of Management) Act, 1972 (Central Act 72 of 1972).

98. The Coal Mines (Taking Over of Management) Act, 1973 (Central Act 15 of 1973).

99. The Coal Mines (Nationalisation) Act, 1973 (Central Act 26 of 1973).

100. The Foreign Exchange Regulation Act, 1973 (Central Act 46 of 1973).

101. The Alcock Ashdown Company Limited Acquisition of Undertakings) Act, 1973 (Central Act 56 of 1973).

102. The Coal Mines (Conservation and Development) Act, 1974 (Central Act 28 of 1974).

103. The Additional Emoluments (Compulsory Deposit) Act, 1974 (Central Act 37 of 1974).

104. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974).

105. The Sick Textile Undertakings (Nationalisation) Act, 1974 (Central Act 57 of 1974).

106. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1964 (Maharashtra Act XVI of 1965).

107. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1965 (Maharashtra Act XXXII of 1965).

108. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1963 (Maharashtra Act XVI of 1963).

109. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Second Amendment) Act, 1968 (Maharashtra Act XXXIII of 1968).

110. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1969 (Maharashtra Act XXXVII of 1969).

111. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Second Amendment) Act, 1969 (Maharashtra Act XXXVIII of 1969).

112. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1970 (Maharashtra Act XXVII of 1970).

113. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1972 (Maharashtra Act XIII of 1972).

114. The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Act, 1973 (Maharashtra Act L of 1973).

115. The Orissa Land Reforms (Amendment) Act, 1965 (Orissa Act 13 of 1965).

116. The Orissa Land Reforms (Amendment) Act, 1966 (Orissa Act 8 of 1967).

117. The Orissa Land Reforms (Amendment) Act, 1967 (Orissa Act 13 of 1967).

118. The Orissa Land Reforms (Amendment) Act, 1969 (Orissa Act 13 of 1969).

119. The Orissa Land Reforms (Amendment) Act, 1970 (Orissa Act 18 of 1970).

120. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972 (Uttar Pradesh Act 18 of 1973).

121. The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1974 (Uttar Pradesh Act 2 of 1975).

122. The Tripura Land Revenue and Land Reforms (Third Amendment) Act, 1975 (Tripura Act 3 of 1975).

123. The Dadra and Nagar Haveli Land Reforms Regulation, 1971 (3 of 1971).

124. The Dadra and Nagar Haveli Land Reforms (Amendment) Regulation, 1973 (5 of 1973).

Notification

LD/3186/75-B

The following Central Bill which was recently passed by the Parliament and assented to by the President of India on 5-8-1975 and published in the Gazette of India Part II, Section 1 dated 5-8-1975 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 25th August, 1975.

The Maintenance of Internal Security (Amendment) Act, 1975

AN

ACT

further to amend the Maintenance of Internal Security Act, 1971.

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Maintenance of Internal Security (Amendment) Act, 1975.

(2) Section 7 shall be deemed to have come into force on the 25th day of June, 1975 and the remaining provisions of this Act shall be deemed to have come into force on the 29th day of June, 1975.

2. **Amendment of section 4.**—In section 4 of the Maintenance of Internal Security Act, 1971 (hereinafter referred to as the principal Act), for the words and figures “Code of Criminal Procedure, 1898”, the words and figures “Code of Criminal Procedure, 1973” shall be substituted.

26 of 1971.

5 of 1898.

2 of 1974.

3. **Amendment of section 7.**—In section 7 of the principal Act,—

(a) in clause (a) of sub-section (1), for the words and figures “Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily

resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898", the words, figures and brackets "Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 82 to 86 (both inclusive) of the Code of Criminal Procedure, 1973" shall be substituted;

5 of 1898.

2 of 1974.

(b) in sub-section (2), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.

2 of 1974.

4. Amendment of section 14. — In section 14 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely: —

"(2) The revocation of a detention order shall not bar the making of another detention order under section 3 against the same person."

5. Amendment of section 15. — In section 15 of the principal Act, —

(a) after sub-section (3), the following sub-section shall be inserted, namely: —

"(3A) If the appropriate Government has reason to believe that any person who has failed to surrender himself in the manner specified in sub-section (3) has absconded or is concealing himself, that Government may make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides and thereupon the provisions of sections 82 to 86 (both inclusive) of the Code of Criminal Procedure, 1973, shall apply in relation to such person as they apply in relation to a person who has absconded or is concealing himself so that a warrant issued by the Magistrate cannot be executed."

2 of 1974.

(b) after sub-section (5), the following sub-section shall be inserted, namely: —

"(6) Notwithstanding anything contained in any other law and save as otherwise provided in this section, no person against whom a detention order made under this Act is in force shall be released whether on bail or bail bond or otherwise."

6. Insertion of new section 16A. — After section 16 of the principal Act, the following section shall be inserted, namely: —

'16A. Special provisions for dealing with emergency. — (1) Notwithstanding anything contained in this Act or any rules of natural justice, the provisions of this section shall have effect during the period of operation of the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971, or the Proclamation of Emergency issued

under that clause on the 25th day of June, 1975, or a period of twelve months from the 25th day of June, 1975, whichever period is the shortest.

(2) The case of every person (including a foreigner) against whom an order of detention was made under this Act on or after the 25th day of June, 1975, but before the commencement of this section, shall, unless such person is sooner released from detention, be reviewed within fifteen days from such commencement by the appropriate Government for the purpose of determining whether the detention of such person under this Act is necessary for dealing effectively with the emergency in respect of which the Proclamations referred to in sub-section (1) have been issued (hereafter in this section referred to as the emergency) and if, on such review, the appropriate Government is satisfied that it is necessary to detain such person for effectively dealing with the emergency, that Government may make a declaration to that effect and communicate a copy of the declaration to the person concerned.

(3) When making an order of detention under this Act against any person (including a foreigner) after the commencement of this section, the Central Government or the State Government or, as the case may be, the officer making the order of detention shall consider whether the detention of such person under this Act is necessary for dealing effectively with the emergency and if, on such consideration, the Central Government or the State Government or, as the case may be, the officer is satisfied that it is necessary to detain such person for effectively dealing with the emergency, that Government or officer may make a declaration to that effect and communicate a copy of the declaration to the person concerned:

Provided that where such declaration is made by an officer, it shall be reviewed by the State Government to which such officer is subordinate within fifteen days from the date of making of the declaration and such declaration shall cease to have effect unless it is confirmed by the State Government, after such review, within the said period of fifteen days.

(4) The question whether detention of any person in respect of whom a declaration has been made under sub-section (2) or sub-section (3) continues to be necessary for effectively dealing with the emergency shall be reconsidered by the appropriate Government within four months from the date of such declaration and thereafter at intervals not exceeding four months and if, on such reconsideration, it appears to the appropriate Government that the detention of the person is no longer necessary for effectively dealing with the emergency, that Government may revoke the declaration.

(5) In making any review, consideration or reconsideration under sub-sections (2), (3) or (4), the appropriate Government or officer may, if such Government or officer considers it to be against public interest to do otherwise, act on the basis of the information and materials in its or his possession without disclosing the facts or giving an opportunity of making a representation to the person concerned.

(6) In the case of every person detained under a detention order to which the provisions of sub-

-section (2) apply, being a person the review of whose case is pending under that sub-section or in respect of whom a declaration has been made under that sub-section, —

(i) sections 8 to 12 shall not apply; and

(ii) section 13 shall apply subject to the modification that the words and figures "which has been confirmed under section 12" shall be omitted.

(7) In the case of every person detained under a detention order to which the provisions of sub-section (3) apply, being a person in respect of whom a declaration has been made under that sub-section, —

(i) section 3 shall apply subject to the modification that for sub-sections (3) and (4) thereof, the following sub-section shall be substituted, namely: —

"(3) When any order of detention is made by a State Government or by an officer subordinate to it, the State Government shall, within twenty days, forward to the Central Government a report in respect of the order.";

(ii) sections 8 to 12 shall not apply; and

(iii) section 13 shall apply subject to the modification that the words and figures "which has been confirmed under section 12" shall be omitted."

7. Insertion of new section 18. — Section 18 of the principal Act shall be re-numbered as section 19 thereof and before that section as so re-numbered, the following section shall be inserted, namely: —

"18. Exclusion of common law or natural law rights, if any. — No person (including a foreigner) detained under this Act shall have any right to personal liberty by virtue of natural law or common law, if any."

8. Repeal and saving. — (1) The Maintenance of Internal Security (Amendment) Ordinance, 1975 and the Maintenance of Internal Security (Second Amendment) Ordinance, 1975, are hereby repealed. 4 of 1975. 7 of 1975.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinances shall be deemed to have been done or taken under the principal Act as amended by this Act.

Notification

LD/3186/75-C

The following Central Bill which was recently passed by the Parliament and assented to by the President of India on 31/7/75 and published in the Gazette of India Part II, Section 1, dated 1/8/75 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 25th August, 1975.

The Defence of India (Amendment) Act, 1975

AN

ACT

to amend the Defence of India Act, 1971

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows: —

1. Short title and duration. — (1) This Act may be called the Defence of India (Amendment) Act, 1975.

(2) The amendments made to the Defence of India Act, 1971 (hereinafter 42 of 1971. referred to as the principal Act), by the provisions of this Act shall remain in force during the period of operation of the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 25th day of June, 1975, and for a period of six months thereafter, but their expiry under the operation of this sub-section shall not affect —

(a) the previous operation of, or anything duly done or suffered under, the principal Act, as amended by this Act, or any rule made thereunder or any order made under any such rule, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the principal Act, as amended by this Act, or any rule made thereunder or any order made under any such rule, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence under the principal Act, as amended by this Act, or any contravention of any rule made thereunder or of any order made under any such rule, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said amendments had not expired.

2. Amendment of long title — In the long title to the principal Act, after the words "civil defence", the words "and internal security", shall be inserted.

3. Amendment of preamble. — In the preamble to the principal Act, —

(a) in the first paragraph, —

(i) for the word "Proclamation", the word "Proclamations" shall be substituted;

(ii) after the words "by external aggression", the words "and by internal disturbance" shall be inserted;

(b) in the second paragraph, after the words "and civil defence", the words "and internal security" shall be inserted.

4. Amendment of section 1. — In section 1 of the principal Act, —

(a) in sub-section (1), for the words "the Defence of India", the words "the Defence and Internal Security of India" shall be substituted;

(b) in sub-section (3), for the words "shall remain in force during the period of operation of the Proclamation of Emergency", the following shall be substituted, namely:—

"shall, subject to the provisions of the Defence of India (Amendment) Act, 1975, remain in force during the period of operation of the Proclamation of Emergency issued on the 3rd day of December, 1971".

5. Amendment of section 2.—In section 2 of the principal Act, in clause (g), after the words, figures and letters "the 3rd day of December, 1971", the words, figures and letters "or the Proclamation issued under that clause on the 25th day of June, 1975" shall be inserted.

6. Amendment of section 3.—In section 3 of the principal Act,—

(a) in sub-section (1), after the words "civil defence," the words "the internal security", shall be inserted;

(b) in sub-section (2),—

(i) in clause (4),—

(A) in the opening paragraph, for the words "or civil defence", the words "civil defence or internal security" shall be substituted;

(B) in sub-clause (e), after the words "civil defence", the words "internal security" shall be inserted;

(ii) in sub-clause (a) of clause (7), sub-clause (j) of clause (10) and clause (32), after the words "civil defence," the words "the internal security", shall be inserted;

(iii) in clause (9), after the words "any scheme of defence", the words "or any scheme for the prevention of internal disturbance" shall be inserted;

(iv) in clauses (21), (25) and (27), after the words "civil defence", the words "or for internal security" shall be inserted;

(v) in clause (40), after the words "civil defence", the words "or the internal security" shall be inserted;

(vi) in clause (46), after the words "civil defence", the words "to the internal security" shall be inserted;

(c) in sub-section (3), in clause (viii), after the words "civil defence", the words "or the internal security" shall be inserted.

7. Amendment of section 6.—In section 6 of the principal Act, in sub-clause (a) of clause (1), and in sub-clauses (a) and (d) of clause (6), for the words "Defence of India Act", wherever they occur, the words "Defence and Internal Security of India Act" shall be substituted.

8. Amendment of section 16.—In sub-section (1) of section 16 of the principal Act, after the words "civil defence" the words "the internal security," shall be inserted.

9. Amendment of section 23.—In sub-section (1) of section 23 of the principal Act, after the words "civil defence," the words "internal security," shall be inserted.

10. Amendment of section 38.—In section 38 of the principal Act, for the words "and the defence of India and civil defence", the words "the defence of India and civil defence and the internal security" shall be substituted.

11. Repeal and saving.—(1) The Defence of India (Amendment) Ordinance, 1975, is hereby repealed.

5 of 1975.

(2) Notwithstanding such repeal, any rules made, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been made, done or taken under the principal Act, as amended by this Act, as if this Act had come into force on the 30th day of June, 1975.

Notification

LD/3157/75

The following Central Bill which was recently passed by the Parliament and assented to by the President of India on 1-8-75 and published in the Gazette of India Part II, Section 1 dated 1-8-75 is hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 25th August, 1975.

The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1975

AN

ACT

to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974

Be it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1975.

(2) It shall be deemed to have come into force on the 1st day of July, 1975.

2. Insertion of new section 5A.—In the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter referred to as the principal Act), after section 5, the following section shall be inserted, namely:—

"5A. Grounds of detention severable.—Where a person has been detained in pursuance of an order of detention under sub-section (1) of section 3 which has been made on two or more grounds, such order of detention shall be deemed to have been made separately on each of such grounds and accordingly—

(a) such order shall not be deemed to be invalid or inoperative merely because one or some

of the grounds is or are —

- (i) vague,
- (ii) non-existent,
- (iii) not relevant,
- (iv) not connected or not proximately connected with such person, or

(v) invalid for any other reason whatsoever, and it is not therefore possible to hold that the Government or officer making such order would have been satisfied as provided in sub-section (1) of section 3 with reference to the remaining ground or grounds and made the order of detention;

(b) the Government or officer making the order of detention shall be deemed to have made the order of detention under the said sub-section (1) after being satisfied as provided in that sub-section with reference to the remaining ground or grounds.”

3. Amendment of section 12. — In section 12 of the principal Act, after sub-section (5), the following sub-section shall be inserted, namely: —

“(6) Notwithstanding anything contained in any other law and save as otherwise provided in this section, no person against whom a detention order made under this Act is in force shall be released whether on bail or bail bond or otherwise.”

4. Insertion of new section 12A. — After section 12 of the principal Act, the following section shall be inserted, namely: —

‘12A. Special provisions for dealing with emergency. — (1) Notwithstanding anything contained in this Act or any rules of natural justice, the provisions of this section shall have effect during the period of operation of the Proclamation of Emergency issued under clause (1) of article 352 of the Constitution on the 3rd day of December, 1971, or the Proclamation of Emergency issued under that clause on the 25th day of June, 1975, or a period of twelve months from the 25th day of June, 1975, whichever period is the shortest.

(2) When making an order of detention under this Act against any person after the commencement of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1975, the Central Government or the State Government or, as the case may be, the officer making the order of detention shall consider whether the detention of such person under this Act is necessary for dealing effectively with the emergency in respect of which the Proclamations referred to in sub-section (1) have been issued (hereafter in this section referred to as the emergency) and if, on such consideration, the Central Government or the State Government or, as the case may be, the officer is satisfied that it is necessary to detain such person for effectively dealing with the emergency, that Government or officer may make a declaration to that effect and communicate a copy of the declaration to the person concerned:

Provided that where such declaration is made by an officer, it shall be reviewed by the appropriate Government within fifteen days from the date of making of the declaration and such declaration shall cease to have effect unless it is confirmed by that Government, after such review, within the said period of fifteen days.

(3) The question whether the detention of any person in respect of whom a declaration has been made under sub-section (2) continues to be necessary for effectively dealing with the emergency shall be reconsidered by the appropriate Government within four months from the date of such declaration and thereafter at intervals not exceeding four months, and if, on such reconsideration, it appears to the appropriate Government that detention of the person is no longer necessary for effectively dealing with the emergency, that Government may revoke the declaration.

(4) In making any consideration, review or reconsideration under sub-section (2) or (3), the appropriate Government or officer may, if such Government or officer considers it to be against the public interest to do otherwise, act on the basis of the information and materials in its or his possession without disclosing the facts or giving an opportunity of making a representation to the person concerned.

(5) It shall not be necessary to disclose to any person detained under a detention order to which the provisions of sub-section (2), apply the grounds on which the order has been made during the period the declaration made in respect of such person under that sub-section is in force, and, accordingly, such period shall not be taken into account for the purposes of sub-section (3) of section 3.

(6) In the case of every person detained under a detention order to which the provisions of sub-section (2) apply, being a person in respect of whom a declaration has been made thereunder, the period during which such declaration is in force shall not be taken into account for the purpose of computing —

(i) the periods specified in clauses (b) and (c) of section 8;

(ii) the periods of “one year” and “five weeks” specified in sub-section (1), the period of “one-year” specified in sub-section (2) (i), and the period of “six months” specified in sub-section (3), of section 9.’

5. Repeal and saving. — (1) The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1975, is hereby repealed. 6 of 1975.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Office of the Chief Electoral Officer

Notification

3-2-75/Elec.

The following notification No. 56/75-VIII dated 4-8-75, issued by the Election Commission of India, New Delhi is hereby published for general information.

B. M. Masurkar, Chief Electoral Officer.

Panaji, 23rd August, 1975.

Election Commission of India

New Delhi-1, dated 4th August, 1975
 Sravana 13, 1897 (Saka)

Notification

S. O. — Whereas the Government of India in the Ministry of Home Affairs by its Order No. II/16013/5/75-S&P(D.II), dated 3 July, 1975 published as S. O. 304(E) in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated 3 July, 1975, has directed that sub-rule (1) of Rule 33 of the Defence & Internal Security of India Rules, 1971 shall apply to the Organisation with the name and style 'Proutist Block of India';

And whereas in pursuance of the above direction the Election Commission has decided to delete the name of the Proutist Block of India from the list of registered unrecognised political parties for so long as the above direction remains in force;

Now, therefore, in pursuance of clause (c) of sub-paragraph (1) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its notification No.56/75-II, dated 1 February, 1975, published as S.O. 68 (E) in the Gazette of India, Extraordinary, Part II Section 3(ii), dated 1 February, 1975, and as amended from time to time, namely :—

In the Table appended to the said notification —

- (i) the entry at serial No. 28 relating to Proutist Block India shall be deleted, and
- (ii) the entries at serial Nos. 29 to 47 shall be renumbered as 28 to 46.

(No. 56/75-VIII)

By Order,

V. NAGASUBRAMANIAN

Secretary.